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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,461	02/28/2002	Ki Cheong Yeung	016660-116	4990

7590

07/01/2003

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BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

RINEHART, KENNETH

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/01/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,461

Applicant(s)

YEUNG, KI CHEONG

Examiner

Kenneth B Rinehart

Art Unit

3749

-- **Th MAILING DATE of this communication appears on th cover sheet with the correspondenc address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8,11-15,19,20 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-30 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8,11-15,19,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 20,25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 5/14/03 have been fully considered but they are not persuasive. The applicant argues that the oil based scented medium offers the advantage that it normally does not evaporate at room temperature. Consequently, the medium does not dissipate when the hair dryer is in use, and waste is therefore minimized. This argument was not contained in the disclosure as filed. Regarding the ability to withstand temperatures of 45 C it would be expected that such a material could withstand such a low temperature.

Claim Objections

Claim 1 is objected to because of the following informalities: Claim 1 refers to a hair dryer, since the claim mentions hair dryer earlier there is antecedent basis for this term and so it would be appropriate to use said hair dryer. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 8, 11, 12, 13, 14, 15, 19, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curtin. Curtin discloses a body (1, fig. 4) defining a passageway with at least first and second openings (2, opening on end 4, fig. 4), a connector for connecting said accessory to a hair dryer at said first opening (6, fig. 4) and at least one retainer retaining a substrate in said passageway ... (3, 20, fig. 4), each of said first and second openings is at a

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respective longitudinal end of said body (fig. 4), said body is connectable to a front end of said of said hair dryer (100, fig. 4), said body is adapted to be removably connectable to said hair dryer by clipping, snapping or screw fitting (fig. 2, fig. 3, fig. 4), said scented medium is evaporable at an elevated temperature (col. 3, line 52, fig. 4), a hair dryer comprising an accessory as claimed in Claim 1 (fig. 4), a hair dryer assembly comprising a hair dryer and an accessory adapted for use therewith, wherein said accessory comprises (100, 1, fig. 1), said body of said accessory is removably connectable to said hair dryer clipping, snapping or screwfitting (fig. 2, fig. 3, fig. 4), said scented medium is evaporable when air heated by heating means of said hair dryer passes through said passageway (col. 3, line 52, fig. 4). Curtin discloses applicant's invention substantially as claimed with the exception of said substrate receiving an oil based scented medium, said substrate is adapted to withstand a temperatures of at least 45 degrees C, said scented medium is an aromatic oil, adjacent to said second opening. It would have been an obvious matter of design choice to modify Curtin to provide said substrate is adapted to withstand a temperatures of at least 45 degrees C, since applicant has not disclosed that the ability of the substrate to withstand a temperature solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the substrate of Curtin will perform the invention as claimed by the applicant. It would have been an obvious matter of design choice to modify Curtin to provide said substrate receiving an oil based scented medium, since applicant has not disclosed that the type of fragrance solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not

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distinguish the invention over similar features in the prior art, since the fragrance of Curtin will perform the invention as claimed by the applicant. It would have been an obvious matter of design choice to modify Curtin to provide said retainer is arranged at or adjacent said second opening, since applicant has not disclosed that the location of the retainer solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the location of the retainer of Curtin will perform the invention as claimed by the applicant.

Allowable Subject Matter

Claims 27-30 are allowed.

Claims 7, 20, 25, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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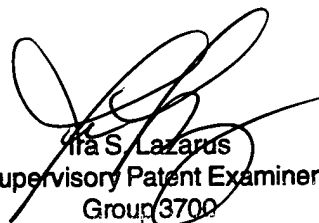
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 703-308-1722. The examiner can normally be reached on 7:30-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-308-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

KBR
June 30, 2003


Ira S. Lazarus
Supervisory Patent Examiner
Group 3700